3

91 1027

No._____

Supreme Court, U.S.
FILED
DEC 27 1991
OFFICE OF THE CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1991

DIANE L. WALDRON–SHAH
Petitioner,

versus

THE BOARD OF RETIREMENT OF THE
LOS ANGELES COUNTY
EMPLOYEES' RETIREMENT ASSOCIATION
Respondent.

PETITION FOR A WRIT OF CERTIORARI TO
THE COURT OF APPEAL
OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

PETITION FOR A WRIT OF CERTIORARI
APPENDIX II
DOCUMENTS & TRANSCRIPT EXCERPTS

DIANE L. WALDRON
617 Ocean Avenue
Santa Monica
California, 90402
(310) 394-3506
In Pro Se

Rule 14.1.k.v
Appended Materials

APPENDIX II
DOCUMENTS & TRANSCRIPTS

Table of Contents

THE BOARD OF RETIREMENT
REPORTER'S TRANSCRIPT June 11th, 1986
(*Brief Excerpts)*.....1

DISABILITY APPLICATION.....5

THE BOARD OF RETIREMENT
REPORTER'S TRANSCRIPT, Jan. 7th, 1988
(*Brief Excerpts)*.....6

DIANE LYNN WALDRON-SHAH
January 11th, 1988.....18

MARK BURSTEIN, March 2, 1988.....21

OFFICE OF THE COUNTY COUNSEL,
March 8, 1988.....21

MARK BURSTEIN, March 21, 1988.....22

DIANE LYNN WALDRON-SHAH,
April 14th, 1988.....22

REFEREE BURSTEIN RULING AT HEARING
January 7, 1988 (*Brief Quote)*.....23

RECOMMENDATION: REFEREE BURSTEIN
(*Brief Quote)*.....23

JOINT APPENDIX IN LIEU OF CLERK'S
TRANSCRIPT (*Brief Quote)*.....23

WALDRON, FEBRUARY 17, 1990.....24
LEMAIRE & FAUNCE, July 30, 1991.....26
LEMAIRE & FAUNCE, September 19,1991.....26
COUNTY OF LOS ANGELES
RICHARD B. DIXON, C.A.O., Sept. 3, 1991.....27
COPLEY NEWS SERVICE, Nov. 4, 1991.....28
BOARD OF SUPERVISORS I.D.....29

Before:
THE BOARD OF RETIREMENT
COUNTY OF LOS ANGELES
Reporter's Transcript of Proceedings

Wednesday, June 11th, 1986
(transcript dated April. 7th, 1987)
Michele McCoy, Court Reporter CSR No 3826

Before: Donald H. Black, Referee

County Counsel Wayne Parrish, for the Respondent

EXCERPTED TOPIC FROM THE BLACK HEARING

Referee conceals and lies about the application and keeps the claimant's statements and documents out of the record.

(Emphasis added)

* * * * * (Original transcript page 6.)

REFEREE BLACK: What is the basis of your claim?

WALDRON: The basis of my claim is two-fold, but --

REFEREE BLACK: **Let me stop you for a minute. Do you have a copy of the application that you made for disability retirement?**

WALDRON: **No, I don't.**

REFEREE BLACK: I am not sure that I do.

C.C.PARRISH: I do not.

WALDRON: May I read my initial statement, please.

REFEREE BLACK: No. First of all --

WALDRON: It is not long.

REFEREE BLACK: Let us have an understanding right up front. This is my hearing. I will control it.

WALDRON: Yes, sir.

REFEREE BLACK: **Now, you make a claim based on an application. That application forms the basis of your appeal.**

* * * * * (Original transcript page 7.)

REFEREE BLACK: This is evidently -- **this is the application.** It is such an old one. I wasn't familiar with it. **It is a one-page document**. It apparently was **provided to my file by the Retirement Board.**...Your application for disability retirement ... **talks about pressures.**

* * * * * (Original transcript page 8.)

REFEREE BLACK: *** The nature and onset and course of the disease or the industrial injuries of May 14, 1968 and February 14, 1969 as described in the Department of Personnel Workmens' Compensation record. **What are those injuries?**

* * * * * (Original transcript page 11.)

REFEREE BLACK: **It is your position here that the lupus is caused by the auto accident.**

* * * * * (Original transcript page 11.)

REFEREE BLACK: **You didn't make a claim based on overwork and stress. I am going to deny any attempt on your part to put in any evidence.** That question has not been presented to the Board.

WALDRON: **It was in the medical records.**

* * * * * (Original transcript page 15.)

C.C. PARRISH: *** **It appears from the state of the file that a great number of the records have been destroyed.**

* * * * * (Original transcript page 22.)

REFEREE BLACK: You don't have to have a doctor come, but he is to write a report that he has examined you, that you have lupus, that you related a history that in his opinion as a specialist, there is a causation connection between your lupus and the auto accident in '68 ***

* * * * * (Original transcript page 25.)

WALDRON: *** Is there anything that you find is not clear in the materials that I have submitted?

REFEREE BLACK: **First of all, I am not going to go take this document because it has got a lot of self-serving things** ***

* * * * * (Original transcript page 27.)

REFEREE BLACK: **I have removed from this booklet that you gave me what appears to be the basis of your claim.** *** Just a moment. I am removing page 4, page 5, page 6 because they relate to stress.

Just a moment. *** no -- I am going to change what I said. *** no where in the Moss report do I find any mention -- unless you want to correct me -- of lupus --

WALDRON: Dr. Moss didn't care to put it in because he worked for the County ***

* * * * * (Original transcript page 31.)

REFEREE BLACK: *** <u>I am dealing with an application that I have which is part of the record and is the only</u>

thing that was considered which was your back injury ****

* * * * (Original transcript page 32.)

REFEREE BLACK: *** **I will consider only those portions which I consider relevant to the issues as I could find them. Any mention of work stress and the systemic lupus will not be considered.**

* * * * * (Original transcript page 32.)

There will be parts of others that will also be excluded. Basically this would be the testimony that you would be giving here today.

WALDRON: Yes. **I would have intended to have read those pages into the record.** This was my hope to read them into the record.

* * * * * (Original transcript page 35.)

REFEREE BLACK:**Wait,wait. What is the Respondent's position on the application for Worker'sCompensation?**

C.C. PARRISH: Object, not relevant.

REFEREE BLACK: **Sustained.**

* * * * * (Original transcript page 35.)

REFEREE BLACK: **All documents submitted relating to the Worker's Compensation claim are not admitted** ***

* * * * * (Original transcript page 35.)

(Discussion off the record.)

(Proceedings concluded at 11:30 A.M.)

.....

Exhibits as offered by referee. (*none*)

No formal examination had.

Note to Black Transcript: Referee Black refused to let Dr. Waldron to look at the original application. The application, which was finally revealed by Referee Burstein long after the second hearing says on it in very bold type **"Any statements or supporting data which I may have are attached."** *and there are staple marks in the upper left corner of the application where these were attached. This document was provided by Referee Burstein from LACERA's files as Exhibit Number 2-54, to be found in the Joint Transcript on page 330. A typeset version of it is provided below*

LOS ANGELES COUNTY EMPLOYEES ASSOCIATION
APPLICATION FOR DISABILITY RETIREMENT

(8)

I have become permanently incapacitated from the performance of my duties in the position of Sr.Community Improvement Analyst Department of Urban Affairs.and therefore request that I be retired for disability to be effective on the day this application is filed or on the date following the last day for which I received regular compensation, whichever is later.

The nature, onset, duration, and course of the disease or injury causing such disability are

industrial injury of May 14,1968 and February 14, 1969,as described in the Department of Personnel Workmen's Compensation records

Any statements or supporting data which I may have are attached.

It is my belief that the origins of the disability is service connected /x/ non service connected / /. * * *

Before:
THE BOARD OF RETIREMENT
COUNTY OF LOS ANGELES

Reporter's Transcript of Proceedings
Thursday, January 7th, 1988
(transcript dated Dec. 15th, 1988)
Michele McCoy, Court Reporter CSR No 3826

Before: Mark Burstein, Referee

County Counsel Wayne Parrish, for the Respondent

EXCERPTED TOPICS FROM THE BURSTEIN HEARING

p. 7- ***#1 Referees conceal Disability Application form***

p. 11- ***#2 County Counsel Refers to Attachments on the Application***

p. 12- ***#3 Applicant Deprived of Access to Transcripts***

p. 13- ***#4 Referee Refuses to take Evidence of LACERA's Wrong-Doing***

p. 15- ***#5 County Counsel Does Not Enter Dr. Moss's Report into Evidence***

p. 16- ***#6 LACERA Takes Advantage of Applicants's Disabilities with Deliberate Delays and Refuses to let her make her Statement***

Emphasis added.

#1 Referees conceal Disability Application form

* * * * * (Original transcript page 4.)

REFEREE BURSTEIN: **I have reviewed the transcript from the prior hearing** and I have some confusion in my mind about exhibits, whether they are in and what exhibits are not in. **I think it would make some sense if we start off from the beginning in terms of introduction of the exhibits.**

WALDRON: **I must object to this in part because I submitted, as you will remember a great box of exhibits,** and those exhibits are -- I have not reduplicated those or anything. I think about 18 inches of exhibits.

REFEREE BURSTEIN: **I don't have those.**

WALDRON: Mr. Black had them.

* * * * * (Original transcript page 16.)

WALDRON: **The medical data necessary went out of this room in Mr. Parrish's hands two years ago.** ***

* * * * * (Original transcript page 17.)

REFEREE BURSTEIN: All right. **What I would like to do at this point is have Dr. Shah assemble, if she has not already done so, all the documents that she wishes to put into evidence today.**

* * * * * (Original transcript page 17.)

WALDRON: *** **These documents assume that the previous documents have not been destroyed** ***

* * * * * (Original transcript page 18.)

REFEREE BURSTEIN: What you submitted to the Board, what you submitted to Mr. Black what you

submitted to Mr. Parrish, **what you submitted to anyone else prior to this hearing, this moment, prior to today, will not be considered.** Whatever you want to have considered must be submitted now or subsequent to this year. (*sic - properly 'hearing' DLW*).

* * * * * (Original transcript page 19.)

WALDRON: *** I have a letter here from Mr. Black which said to me simply that I am to come here today, and he very clearly states in this letter that I am to come here today with only my personal statement and a current medical statement..***

REFEREE BURSTEIN: We are going to continue this case so that you have the opportunity to submit whatever you want ***

WALDRON: **I am not going to live long enough for any continuances. The last continuance took two years.**

* * * * * (Original transcript page 22.)

WALDRON: *** I want to know what happened to all my files, where have they disappeared to? Third, I would like to know why the person who had all the files was taken off the case at the last minute. He was taken off just before -- whether a month or something the person with all the files disappeared with the files. He was replaced by somebody who has nothing. **The third time these files have disappeared.**

* * * * * (Original transcript page 23.)

REFEREE BURSTEIN...**Since you have no documents, you don't have them today**, and based upon the letter from Mr. Black which limited what this hearing was going to be about today, **I am going to give you the opportunity to bring in those additional documents.**

WALDRON: I **will stay with what I have got for the time being.**

REFEREE BURSTEIN: **You understand that that is your choice.**

* * * * * (Original transcript page 58.)

REFEREE BURSTEIN: Stop. *** **There are lots of allegations that you have made this morning about your having brought documents that were given to the other parties and to the hearing officer and to the board. The fact remains that they are not present** and you can make allegations that Mr. Black disappeared with them, that Mr. Parrish disappeared with them, that Ms. McCoy disappeared or even I disappeared, even though I wasn't there ***

* * * * * (Original transcript page 62.)

REFEREE BURSTEIN: **When this case was reassigned to me, there was a package of information that was included in that package I received. I am going through that. I note that there are reports and other documents in that package that I received that I had not entered into evidence.*****

* * * * * (Original transcript page 63.)

REFEREE BURSTEIN: **Hold on. Maybe you didn't understand what I said. Those documents were sent to me and are not in evidence. I am giving those to you so that you can go through those documents and enter into evidence anything that you wish. You don't need to make a speech. Just select what you wish to submit.**

WALDRON: Where is the Leopold Tuchman letter? You won't admit a partial. Where is the full one?

REFEREE BURSTEIN: **Pull out from that package what you wish to submit, okay?**

(Discussion held off the record.)

* * * * * (Original transcript page 63.)

REFEREE BURSTEIN: Have you segregated the file into what you want to put in and what you don't?

WALDRON: Yes.

REFEREE BURSTEIN: **May I have the remainder of what you do not wish to submit.**

WALDRON: **Some of these things have already been put in.**

REFEREE BURSTEIN: **That may or may not be. Let me have that package.**

* * * * * (Original transcript page 70.)

C.C. PARRISH: If I might comment for clarity of the record, Exhibit 39 which has pages missing would be dated properly May 11, 1973.

REFEREE BURSTEIN: **How do you know that?**

C.C. PARRISH: **I have a complete copy of it.*****

***** **that I have had for some time.**

* * * * * (Original transcript page 71.)

WALDRON: **May I suggest that all of these materials were from a package which County Counsel was given at the same time Mr. Black was given it. *****

C.C. PARRISH: **In all candor, the only one that I would request a copy of is Dr. Roback's report which I have**

just given to you which is 39, 40, and 41.

* * * * * (Original transcript page 79.)

REFEREE BURSTEIN: -- **and you had the burden of providing all this evidence 60 days ago.**

WALDRON: **The evidence was sent in** with the exception of one letter which was sent November 12.

REFEREE BURSTEIN: **There are reams of evidence that were sent and reams of paper,** ***

#2 County Counsel Refers to Attachments on the Application

* * * * * (Original transcript page 14.)

REFEREE BURSTEIN: *** As I understand, there are some questions or there was some issue at a prior hearing as to what the exact nature of the claim was. That came from the original transcript, the **original application**, rather, which, as I understand it, is quite old. **I am not even sure if there is a record of it anywhere** ***

* * * * * (Original transcript page 14.)

C.C. PARRISH: *** I do have documentation with respect to the orthopedic and internal and psychiatric, as I understand it. **So that I am certain it is still an issue because it has been covered in the application.**

#3 Applicant Deprived of Access to Transcripts

* * * * * (Original transcript page 13.)

REFEREE BURSTEIN: **In order for you to get a copy of the transcript, it has to be done in writing and certain procedures and requirements have to be followed.**

WALDRON: **Are those procedures and requirements outlined in the yellow booklet that was provided to me only seven days ago?**

REFEREE BURSTEIN: I don't know.

WALDRON: I didn't see them anywhere.

REFEREE BURSTEIN: I don't know where they are set forth. If you didn't see them --

WALDRON: Because **I have requested at great length in writing to the Board that I be given the details of the procedures necessary to obtain these documents. I was told these details were unavailable to the public and unavailable to any lawyer and all that was available to either was the yellow booklet, and nothing is set forth in the yellow booklet.**

REFEREE BURSTEIN: Are you asking now that I do something? What is the purpose of the statement?

WALDRON: I am entering this as an objection to the way the case has been handled and as a further example of the improper handling on the County's part.

REFEREE BURSTEIN: Your objection is obviously noted on the record. **I will say to you, if you want a copy of the transcript, you contact the necessary people at the Board of Retirement and find out the appropriate procedures for you to get one.**

WALDRON: **They have refused to tell me.**

* * * * * (Original transcript page 14.)

REFEREE BURSTEIN: I don't want to get into an argument over this. **If you want one, you have to follow the proper procedures. It is up to you to find out what the proper procedures are. No more argument.** ***

* * * * * (Original transcript page 20.)

WALDRON: Can I enter into evidence a statement by the County Retirement Association: **"At your request a copy of the procedures for disability retirement hearings is enclosed. I have searched, but we are unable to offer you any other advice."**

* * * * * (Original transcript page 21.)

REFEREE BURSTEIN: **We'll handle that later.** ***

#4 Referee Refuses to take Evidence of LACERA's Wrong-Doing

* * * * * (Original transcript page 24 .)

WALDRON: *** included the legal matters which appear in my letter to the referee, of which you have a copy, dated July 1st, I believe it is.

* * * * * (Original transcript page 24 .)

REFEREE BURSTEIN: What I would like to do, then, for the record, is I would like the record to reflect that there has been no communications between myself and either of the parties outside of the presence of either of the parties; Is that correct?

WALDRON: Absolutely.

REFEREE BURSTEIN: My intention is to continue this in light of the fact Dr. Shah was concerned with the comments and the statements that may have been made outside of her presence during the last proceeding. It is my intention to stay on the record at all times.

* * * * * (Original transcript page 50.)

REFEREE BURSTEIN: What is your purpose in introducing the July 1, '87 letter with the attachments.

WALDRON: They reviewed the points brought up by Mr. Black concerning the fact that the lupus was not part of the original claim.

REFEREE BURSTEIN: **Is that still relevant?**

C.C. PARRISH: The Board is now willing to proceed with regard to the issue of lupus.

REFEREE BURSTEIN: **That is no longer an issue. Let's not deal with issues that are no longer issues.**

* * * * * (Original transcript page 59.)

WALDRON: All right. **I would like to submit into evidence my attempts to get responses from the Board over a period of 20 years.**

REFEREE BURSTEIN: **How is that relevant to this case?**

C.C. PARRISH: **That is not relevant.**

* * * * * (Original transcript page 60.)

WALDRON: *** **There was not a lawyer anywhere that would appear before the Board. I then had correspondence with the Department of Labor in**

Washington to the California State Insurance Commission, the State Legislature, and various other parties who deplored the situation, whereby this Board is unregulated in any way,.....

REFEREE BURSTEIN: I am quite shocked at that statement, but we will leave that alone. *** **If there has been irregularities, you can raise those on appeal if you so choose. But I am not going to consider them in this case unless you can show that in some way they relate to your claim.**

* * * * * (Original transcript page 61.)

REFEREE BURSTEIN: I don't see how that goes to the issue of whether it is service-connected or whether you are incapacitated permanently. **That is going to bog down the record.**

WALDRON: **Fine. If you say so.**

* * * * * (Original transcript page 64.)

REFEREE BURSTEIN: Exhibit 29 -- **why are we putting in these record-keeping letters?**

WALDRON: Um, well --

REFEREE BURSTEIN: **This has nothing to do with your case.**

#5 County Counsel Does Not Enter Dr. Moss's Report into Evidence

* * * * * (Original transcript page 72.)

REFEREE BURSTEIN: **All right. Mr. Parrish, do you**

have any documents you wish to submit at the present time?

C.C. PARRISH: **Not at this time, no.**

#6 LACERA Takes Advantage of Applicants's Disabilities with Deliberate Delays and Refuses to let her make her Statement

* * * * * (Original transcript page 38.)

REFEREE BURSTEIN: Next one in order of the package you gave to me. Southern California Head and Neck Medical Group, dated June 12, 1986.

WALDRON: **Pharyngeal edema from stress and came on within hours of the last hearing. I nearly died from it.**

REFEREE BURSTEIN: I don't understand how it is relevant.

WALDRON: **It is from the lupus and stress. It was within hours of the last hearing.**

* * * * * (Original transcript page 62.)

C.C. PARRISH: *** I do have documentation with respect to the orthopedic and internal and psychiatric, as I understand it. So that I am certain it is still an issue because it has been covered in the application.

REFEREE BURSTEIN: Are you going to submit those medical records today?

C.C. PARRISH: No. I am not prepared to at this time.

* * * * * (Original transcript page 72.)

REFEREE BURSTEIN: **What we normally do at this point is we have opening statements, but in order to prevent duplication, I think if the parties don't object, we will dispense with the opening statements and that way, you can just swear in Dr. Shah, if that is agreeable with the parties.**

(sic: *gap in context in the original*)

WALDRON: **I have two very brief requests. First, I think you will be surprised how brief my testimony is** ***

REFEREE BURSTEIN: **My experience is such, despite your assertions of brevity, it never works that way.**

WALDRON: **I see.**

REFEREE BURSTEIN: **We'll have to wait till another date to see.**

* * * * * (Original transcript page 81.)

C.C. PARRISH: I have nothing further. **I will attempt to have a formal prehearing statement by next week.**

REFEREE BURSTEIN: Thank you. We will stand in recess until January 15 at 9:30. Is notice waived?

* * * * *

(Proceedings concluded at 12:10 P.M.)

DIANE LYNN WALDRON-SHAH

January 11th, 1988

Mr. Charles Spenser
Retirement Administrator
Los Angeles County Employees Retirement Association

Dear Mr. Spenser,

I am writing once again about my disability pension case which has been in process for twenty years and which was before your appeal referee Donald Black since 1984, then changed by you to a new referee, Mark Burstein, just before the final wrap-up hearing was scheduled to be held before Mr. Black, in January 1988. Now Mr. Burstein says everything must be started all over again from scratch, going back twenty years. I have been denied access to the regulations governing the Retirement Association, and it is unregulated by the California State Insurance Commission, or the Department of Labor, or any longer the County Treasurer, or by any other entity what so ever,, and its practices have become so egregious it is impossible to find an attorney who will handle a case before the Retirement Association.* * *

Is it legal or just for Mr. Black the referee at the previous hearings to state at the June 1986 hearing that he would hand down a ruling on the case in 90 days and then refuse to even respond for more than a year and then say that he would need another hearing, and not schedule that hearing until the *next* year?

Is it legal or just, shortly before that last brief hearing to wrap things up for a decision, for the Board to change referees, and then after more than three years under the

first referee, and for the new referee to say the case must be started all over again from the very beginning, going back twenty years, for him?

Is it legal or just for the new referee to say that all the voluminous materials entered into evidence under the previous referee are now out of evidence, and to say that the previous referee did not give him any materials pertaining to the case therefore I must recollect, reassemble, and reenter my materials into evidence?

Is it legal or just for the new referee Mr. Burstein to say, on the record, that he was not given any of the medical reports that I submitted to Mr. Black, but when it is pointed out in the transcript of the previous hearing that some of those medical reports were *individually* entered into the record as evidence and are thus indisputably property of the court, and not Mr. Black's to dispose of, for the new referee to then produce, from a chair seat beside him, the reports he denied he had, and for the County Counsel to also admit that he had most of those documents right with him and was totally familiar with their content?

Is it legal or just for the Board to deny me access to, and knowledge of where to obtain, the transcript of the previous hearing, which the Board's Counsel and Referee were using at this hearing?

Is it legal or just after the previous referee had instructed me in writing that all I now needed to complete my case was any current medical reports I wish to add into evidence and a statement under oath of the ways in which the Lupus disabled me from my County job, to have the new referee wait until I had arrived at the hearing

prepared to do only this, to say that he was starting again from scratch, rejecting all the points already accepted as established, such as the service connection of the disability, and taking out of evidence everything that had been previously entered, so that I must reassemble, reduplicate, and time-consumingly re-present into evidence, all that mass of materials again?

* * *

In conclusion-

Is it legal or just for this unregulated entity to have the power to simply 'delay until dead' for decades, and when that gets cumbersome to 'stress to death' legitimate applicants for a decision from the Board. Mr. Black said, out in the hall, to Deputy County Counsel Mr. Parrish when they were planning their strategy before the June 1986 hearing, "She's just going through the motions to get out to the courts." And the Board's strategy has been to delay handing down a decision indefinitely, to prevent the case getting out to the courts where it can receive a hearing on its merits, and where an attorney will be happy to represent me.

* * *

Yours sincerely,

D.L.Waldron

MARK BURSTEIN
ATTORNEY AT LAW

March 2, 1988

Wayne R. Parrish
Deputy County Counsel

In re: The Application of
Diane Waldron-Shah

In my February 9, 1988 letter to you and Dr. Waldron, I requested responses to issues that I raised and I gave deadlines for those responses. While I heard from Dr. Waldron, I have not received a response from you. Please respond to the matters which I raised in my February 9, 1988 letter by the close of business on March 10, 1988 or I will assume that you have decided not to respond and I will then proceed to the next step in the processing of this case.

Very truly yours, Mark Burstein, Referee

COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

March 8, 1988

Mark Burstein, Referee
Diane L. Waldron, M.D.

Re: DIANE L. WALDRON-SHAH
v. BOARD OF RETIREMENT

The Board of Retirement is willing to accept submission of the above entitled matter based upon the current state of the record.

Please advise due duties for written argument.

Very truly yours,DE WITT W. CLINTON, County Counsel
WAYNE PARISH, Principal Deputy County Counsel

MARK BURSTEIN

March 21, 1988

Dr. Diane L. Waldron, Wayne R. Parrish

In re: The Application of Diane Waldron-Shah

Pursuant to your responses to my February 9, 1988 letter, the record in the above-captioned case is closed. If either party intends to file a written brief in support of your position, it must be postmarked by Friday, April 15, 1988, and a copy must be simultaneously sent to the other party.

After reviewing the documents and the closing briefs, if any, I will issue my Findings of Fact, Conclusions of Law and Recommendation.

Very truly yours, Mark Burstein

DIANE LYNN WALDRON-SHAH

April 14th, 1988

Mark Burstein, Esq.

Thank you for your letter of March 21st, offering Mr. Parrish and myself the opportunity to file written briefs by April 15th, in support of our positions regarding my disability pension,. Even if I were a lawyer, or able to find one who would handle a case before the Retirement Board, a proper written brief would be impossible because the Retirement Board denies all access to their rules and regulations governing eligibility for pensions. One can hardly prepare a brief from the law when one is denied access to the stipulations of that law! Neither could I, or any lawyer, prepare a rebuttal against what ever case Mr. Parrish may have presented to you on behalf of the County because, while I have been required to send him a copy of what I have sent to you, he has not been under the same requirement to disclose to me the case that he has submitted to you, and I have no idea what-so-ever of the basis for his case for denial. * * * DL WALDRON

REFEREE BURSTEIN RULING AT HEARING JANUARY 7, 1988 *page 18 in original*

***what you submitted to anyone else prior to this hearing, this moment, prior to today, will not be considered.

page 18 in original

RECOMMENDATION: REFEREE BURSTEIN

(NOTE: There is uniquely no number on this one exhibit in the Recommendation)

Exhibits Offered By The Board 23/

March 26, 1974 report of Charles N. Moss, M.D.,P.HD., Medical Consultant to the Retirement Board

---

23/ This document was submitted at the June 11, 1986 hearing.

page 41 in original

JOINT APPENDIX IN LIEU OF CLERK'S TRANSCRIPT, VOLUME 2, January 29, 1991

ADMINISTRATIVE RECORD

Exhibit No.	Document	Page #
2-A	Mar. 26,'74 report of Chas.N.Moss, MD	333-342

Table of Contents, pages 1-2 in original

DIANE LYNN WALDRON-SHAH

February 17th, 1990

Mark Ellis Singer

Dear Mr. Singer,

I am writing to remind you that my case will be going before the court in about a week from when you receive this and I hope you have read over the materials and done the research on that case on which you asked me to send you the reference once again in December, which I did. I again attach a copy of the news item since I know you do not like to look in the file for things.

I hope we did not lost our chance when the judge who knows the County situation went off that bench during the delays getting before him. A newer judge will not know about the corrupt and unethical practices of the County Retirement Board and you would not say yourself, nor let me say anything against the Board, etc., because you said it would only anger that judge, who presumably knew everything very well. Now it isn't in the record and that ;judge is gone while it took so long to get the case before him.

I am also worried about your not putting anything in your presentation that was also covered in my very detailed rebuttal to the referee's findings, because my rebuttal may not be admissible since I sent it after the fact to the County because they lied and said I was not allowed to be at the Board hearing or make any presentation.

I was under the impression that the whole point of this

procedure is to prove that the the other side made mistakes in law, misrepresented the facts, and acted with extreme bad faith, but you said bringing up such things would only anger the judge who didn't like confrontations in his court. Now, without him, we will probably have to go to appeal, where will our case be without any of that data on the record? The Appeal Court may not know about the County Retirement Board's notorious behavior, and more to the point, they are not allowed to base judgment upon something not in evidence, even if they did know it, such as that the County was not answering letters regarding appeals, was destroying records, was lying to pensioners about procedures and rules, was using 'referees' that were their creatures, was using every trick possible to delay until dead, etc., etc., etc. - and these facts are essential to my case.

Again, if there is not going to be a court recorder there anyway, we must arrange for one- and in that case not the one the County uses who delayed the transcript and left out critical statements. I wish they just taped these hearings. Is that possible?

Yours most sincerely,

Diane Lynn Waldron-Shah

LEMAIRE & FAUNCE
July 30, 1991

Re: DIANE WALDRON-SHAH - COURT OF APPEAL

Dear Dr. Waldron-Shah:

* * *

Our office received the faxes, however, I was on vacation and did not personally receive the faxes. My staff received the faxes, and responded to them as urgently as possible. The day I arrived in the office, the documents were sent to you.

* * *

MARK ELLIS SINGER

LEMAIRE & FAUNCE
September 19, 1991

Re: DIANE WALDRON-SHAH - COURT OF APPEAL

Dear Dr. Waldron-Shah

Enclosed please find, for your information, the REMITTITUR NOTICE from the Court of Appeal regarding your case.

If you have any questions, call me at extension 113 or you may call my assistant, Kathleen Palmore at extension 118.

Very truly yours, MARK ELLIS SINGER

COUNTY OF LOS ANGELES
RICHARD B. DIXON
CHIEF ADMINISTRATIVE OFFICER

September 3, 1991

Dear Dr. Waldron:

LOS ANGELES COUNTY RETIREMENT ASSOCIATION

Supervisor Edelman asked that I respond to the concerns you raised in your letter to him of August 5, 1991 regarding the County's procedures for reviewing the activities of the County Retirement Association and the Retirement Fund.

• • •

I recognize that your distress stems from personal dissatisfaction with the outcome of your case. I understand, however, that you had the fullest review by all appropriate bodies, including the Retirement Board and the Courts. I sincerely hope that you are able to put this matter behind you.

My very best wishes.
Chief Administrative Officer
c: Supervisor Edmund D. Edelman, LACERA

COPLEY NEWS SERVICE

COUNTY ABUSES MOUNT
By Howard S. Gantman
(November 4, 1991)
* * *
Speedy departure?

Some predict the allegations will speed the departure of embattled county Chief Administrative Officer Richard Dixon, one of the most-powerful non-elected public officials in California. Dixon already is under fire for approving millions of dollars in hidden management bonuses and spending lavishly to remodel executive offices all while the county slashed budgets for social services.

GRAFT

"We've exposed only the tip of the iceberg," said Rudy Rico, president of the Robin Hood Foundation, a reformist group of blue-collar county workers. "If the county cared to investigate the complaints, instead of retaliating, they could find millions misspent and ripped off."

Rees Lloyd, an attorney for county laborers, said: "Once the taxpayers of this county wake up to see how Dixon has been enriching himself and his cronies, he's history."
* * *

Dixon remains defiant, and insists he has strong backing among the supervisors. * * *

The results were rounds of budget cuts in health and welfare programs and hush-hush handouts of fat bonuses to managers who went along.

* * *

Dr. Waldron's County Board of Supervisors business cards

DIANE LYNN WALDRON-SHAH, Ph.D.
ASST. TO DIRECTOR, COMMUNITY IMPROVEMENT

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

372 HALL OF ADMINISTRATION
LOS ANGELES 90012
625-3611. STA. 64132

Dr. Waldron's County Board of Supervisors note paper

FROM THE DESK OF

LYNN WALDRON-SHAH

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

Dr. Waldron's County Board of Supervisors vehicle placard

THIS VEHICLE IS DESIGNATED FOR OFFICIAL COUNTY BUSINESS

LOS ANGLES COUNTY BOARD OF SUPERVISORS

Dr. D'L. Waldron-Shah

MERCEDES-BENZ **TBT 246**

Ernest E Debs
CHAIRMAN